

**Town of Lincoln**

**100 Old River Road, Lincoln RI**

**Zoning Board of Review**

**December 5, 2006 Minutes**

**Present: Raymond Arsenault, Kristen Rao, Gabriella Halmi, Arthur Russo, Jr., David Gobeille, Nicholas Rampone, Town Solicitor Mark Krieger**

**Excused: Jina Karempetsos**

**Correspondence**

**None**

**Applications:**

**H.L. George Development Corp., c/o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI/First Facility Lincoln, LLC, /o Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI – Request for one year extension of Decisions rendered on January 3, 2006.**

**AP 41, Lot 44 Zoned: BL 0.5**

**Represented by: Richard Ackerman, Esquire, 800 Clinton Street, Woonsocket, RI**

**Chairman Arsenault read into the record correspondence from Attorney Ackerman requesting a one year extension of Zoning Board**

**Decision rendered on January 3, 2006.**

**Russell Hervieux, Zoning Official informed the Board that there was a notice problem with two mailings being returned – Lincoln Mall Holdings LLC addressed to the former owner which is listed on the Town's field cards and the other to the new owner, Inland. Chairman asked Attorney Krieger to review the mailings. Attorney Krieger replied that it is incumbent upon the applicant to determine that the field cards reflect the current resident of the property. Lincoln Mall's new owners are present this evening for an application and representatives of the new owner are present and he was not sure if they were authorized to waive notice. Representative of Inland replied she is not authorized but is willing to deliver notice.**

**Attorney Ackerman addressed the Board stating his client is willing to take a risk and proceed at their own peril or be placed on the January 2007 agenda to address the notice problem.**

**Chairman Arsenault read into the record Planning Board recommendation:**

**Members of the Technical Review Committee reviewed the submitted application for a time extension of a special use variance. The Planning Board recommends Approval of the application for a time extension. The Board feels that the applicant has been diligently working to start construction of the project within the one year time frame but time ran out.**

**Motion made by Member Rao to continue the application to the January 2007 agenda. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

**Inland American Retail Management LLC, 2901 Butterfield Road, Oakbrook, IL – Special Use Permit to increase tenant and ownership square footage signage on exterior of property located at 622 George Washington Highway, Lincoln, RI.**

**AP 41, Lot 7      Zoned: BL 05**

**Represented by: Rachelle Green, Esquire, Duffy, Sweeney, Scott, Ltd, One Turks Head Building, Providence, RI**

**Russell Hervieux, Zoning Official submitted to the Board two excel spreadsheets detailing total existing square footage of signage at the Lincoln Mall. The Mall currently has 392 sq.ft of pylon signage and 3443.3 sq.ft. for the entire complex minus the pylon signs for a total of 3835.3 sq.ft. They currently are at 3828.69 sq.ft.**

**Applicant is asking for additional square footage for signage at the**

**mall. This Board rendered a decision on 9/7/04 which was amended in July of 2006 to reflect 392 sq. ft. for the pylons and a total of 3443.3 sq.ft. total currently in place. Applicant currently is not exceeding the allowed square footage and is seeking additional signage for 8 stores at the mall.**

**Witness:**

**Donna Begin, Property Manager for Lincoln Mall. She has worked 16 years for the mall and recently took on this position in June 2006 when the new buyers came on board. She submits sign renditions to the ownership and if approved the next step would be to apply for a permit with the town. Applicant is seeking additional signage for the following stores:**

- Dress Barn – Existing sign has 148.1 sq.ft. and they are seeking an additional 16 sq.ft to place their logo on the building**
- Payless Shoes – Temporary sign which will be removed and install a new 60 sq.ft permanent store front sign.**
- Mall tenant panel sign – Two (2) 72 sq.ft. signs to be placed at the rear of the building at either side of the cinema connector for a total of 144 sq.ft. There is no existing signage at this time.**
- Tenant panel sign – A 10'x 10' (200sq.ft total) to be placed inside the mall listing the tenants.**
- Mall entry sign – A 34 sq.ft sign to let patrons know the inside tenants.**
- Party City – The store currently has two window boxes and they would like to add a third (64.5 sq.ft.) to advertise seasonal and sale**

**promotions. Mr. Hervieux informed the Board he did not include Party City on his signage spreadsheet as no permit has been pulled for the two existing window boxes.**

- Sovereign Bank – Seeking an additional 32 sq.ft to add a third side to their existing two sided sign.**
- Stop & Shop – Seeking additional 241 sq.ft for two banners in addition to their existing 544 sq.ft.**

**Chairman asked Mr. Hervieux if the Board permitted the gas station sign when the entire package was approved. Mr. Hervieux replied it was included but does not have any permits in the office that specifically list the Stop & Shop gas station but did get estimates from the previous owner that they were included in the 3443.3 sq.ft. Attorney Krieger informed the Board that he had represented Stop & Shop in their application for both the gas station and signage applications.**

**Ms. Green stated that applicant also wanted to request 280 sq.ft. for four (4) additional signs for future tenants to avoid coming back before the Board with another special use permit. Applicant is asking for 1,071.5 sq.ft. this evening for 45 existing and 4 potential new tenants.**

**Chairman informed Ms. Begin that the 49 tenants at the mall complex are entitled to 3136 sq.ft of signage because the pylons are separate. What he is not hearing is the argument for the additional signage.**

Some stores are taking more than the allowed square footage and what is the rationale for their request for additional square footage. Member Rao stated Emerald Square Mall and Providence Place Mall do not have signs for each of their tenants on the façade of the building. Chairman stated they have a directory listing the stores located within. Ms. Green replied Lincoln Mall is unique in that it is more of a strip mall than interior mall and most store signs already exist. There are interior stores which do not have exterior signage. Ms. Begin informed the Board that every tenant located at the mall has a 10 year lease. They are trying to allow 70 sq.ft. signage per tenant. Prior to Inland purchasing Lincoln Mall, all signage was handled by the former owner's corporate office in Pennsylvania. She is now responsible for all signage issues. Chairman addressed Ms. Begin stating applicant is looking to average 70 sq.ft. per tenant for a total of 3430 sq. ft. but their request is for an additional 1,071 sq.ft. totaling a little less than 5,000 sq.ft. which is a 30% difference but they have a number of signs above 70 sq.ft. and perhaps management could address that balance. Ms. Green replied she was not sure what the company could do about the existing permanent signage. Ms. Begin stated the most pressing problem is to obtain permanent signage for Payless. Chairman replied that Stop & Shop has a base of 544 sq.ft. and is asking for an additional 241 sq.ft. for banners – is it necessary for them to have the additional square footage for banners? Ms. Begin stated that dialogue has started between the mall and Russell Hervieux, Zoning Official and they are now aware of what is required. Prior to June 1st the mall was not

involved in any dialogue with the Town.

**Witness:**

**Brian Azar, Sovereign Bank**

The bank is looking to convert from a two sided pylon sign in front of the building. One side faces the second entrance the other faces McDonalds. They have nothing facing the street impacting Route 116 but can see the sign from Stop & Shop and customers do not know there is a branch in the mall.

Attorney Krieger asked Ms. Begin why 14 tenants have no signage. She replied they are interior mall tenants and do not need exterior signage. He further asked if any future tenants will need exterior signs and she replied yes. They are planning on 4 potential tenants at the rear of the property – two to three tenants in the old Marshall store and VNA wants to subdivide in the future. Member Rao asked if potential tenants know they are only allowed so much square footage for signage or do they stipulate they need a certain amount for signage. Ms. Begin replied it is listed in the lease.

Chairman Arsenault stated perhaps one of the conditions imposed with the granting of the application would be to cap the total square footage at 5,000 sq.ft with total signage to be managed by the mall. Ms. Begin stated they would like signage to be 70 sq.ft per tenant.

Russell Hervieux, Zoning Official addressed the Board stating mall

representatives have met with him and Al Ranaldi, Town Planner to discuss signage issues. The 64 sq.ft. signage per tenant goes with the lot and not the tenant. The Town started looking into signage violations back in 2005 and have given the mall some latitude regarding unpermitted signs and the issuance of violation notices. Party City signs were put up illegally and once these signage issues are resolved he will start issuing violation notices to those tenants who are not in conformance. As of right now, the mall is within their allowed square footage for all signage. Under the Town ordinance, a temporary sign such as the banner proposed by Stop & Shop is allowed for 15 days. Problem with banners is they do not fit into a mall setting. Dress Barn currently has 64 sq.ft. of signage and could reduce the size of their existing sign to fit in their logo. Member Rao asked why violation notices were not sent to the mall after the last meeting. Mr. Hervieux replied he has met with the new owners and felt it was in his best interest to keep a good working relationship with them and try to resolve the existing problems. Member Halmi asked who gets the violation notices and he replied the mall owner would. Chairman asked Ms. Begin if a cap were proposed did she have the authority to accept the proposal or did she need management approval. Ms. Begin replied she has authority but wanted to run any cap before corporate.

**Opposed:**

**James Spooner, Lonsdale Avenue, Lincoln**

**Feels that the Zoning Board proposal to cap total signage is**



**commendable but why were no violation notices issued?**

**Chairman made a recommendation that a total square footage of 5,000 sq.ft. be allowed. A condition could be imposed on the Decision stating that a cap of 5,000 sq.ft be put in place which would be managed by Mall management and that all future tenants adhere to the zoning ordinance. Temporary banners could only be in place for 15 days.**

**Chairman Arsenault read into the record Planning Board recommendation:**

**The application was not available for the Technical Review Committee or the Planning Board to review. Therefore, no recommendation can be offered.**

**Motion to approve made by Member Halmi with the conditions:**

- Total Lincoln Mall signage shall cap at 5,000 sq.ft to include the pylon signs.**
- Signage shall be monitored by Lincoln Mall management and they shall adhere to all Zoning codes.**
- Any changes to existing signage shall be reported to the Zoning Official**

**She further stated:**

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance**

**authorizing such special use**

- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

**Motion seconded by Member Russo.**

**Discussion:**

**Chairman stated applicant is asking for 1,071 additional square feet of signage which gives them a 30% bonus and the Board could grant 5,000 sq.ft. cap. Member Halmi replied that the mall needs to start saying “no” to some of their tenants and the mall entry sign is not a necessity nor are the Stop & Shop banners. Perhaps a cap of 4,600 sq.ft. is more realistic and her motion could be modified to reflect that amount. Attorney Krieger replied that total square footage is based on the current existing square footage of the individual lots.**

**Member Halmi made a Motion to amend the total square footage of all signage from 5,000 to 4,600 sq.ft. to include the pylon signs based on the current square footage of the lots. Motion seconded by Member Russo. Motion carried with a 4-0 vote with Member Rao abstaining from the vote.**

**Motion made by Member Halmi to withdraw her original Motion. Motion seconded by Member Russo.**

**Member Halmi made a motion to table the application to the January 9, 2007 agenda. Motion seconded by Member Russo. Motion carried with a 4-0 vote with Member Rao abstaining from the vote.**

**Prev. Court LLC, P.O. Box 567, Albion, RI – Dimensional Variance for front yard setback for the construction of two residential houses on Preserved Arnold Court, Lincoln, RI.**

**AP 20, Lot 4 Zoned: RL 9**

**Russell Hervieux, Zoning Official addressed the Board stating this application had been continued from the November agenda because of a notice problem. New notice letters were sent out on November 27, 2006 to four abutters via certified mail. Letters reviewed by Attorney Mark Krieger and informed the Board that sufficient notice had been served.**

**Chairman Arsenault read into the record standards that need to be met for a Dimensional Variance.**

**Represented by: Michael Kelly, Esquire, 55 Pine Street, Providence**  
**Total parcel consists of 8.35 acres which includes wetlands and a pond. In 2004, applicant appeared before the Planning Board and Technical Review Committee (TRC) and a portion of the property (7.38 acres) will be dedicated to the Town as open space. In 2005, the Planning Board heard the matter and the TRC recommended that final**

approval be delegated. An application was submitted to the Department of Environmental Management (DEM).

**Witness:**

**Carol Lamontagne, Realtor, 184 Chapel Street, Providence, RI**

**She has owned Lamontagne Realty for 34 years and has served on the Planning Board. Submitted her resume to the Board for review.**

**Ms. Lamontagne is familiar with the neighborhood. Motion made by Member Russo to accept Carol Lamontagne as an expert witness.**

**Motion seconded by Member Rao and carried with a 5-0 vote.**

**Ms. Lamontagne has sold 4 or 5 homes in the area most of which are Cape styled. There are woods on one side of the street. Most homes in the area are not on large lots. Drove by the site and does not feel this proposal would have any adverse affect and fits into the neighborhood. Granting a variance will not alter the area and not affect the value of the homes. New construction brings property values up. Chairman asked how many other homes were in the area and she thought there were 7. Chairman asked if they conformed to RL 9 requirements and she replied not sure because they were built in the 1940s. Member Russo asked if there were other slab homes in the area and Attorney Kelly replied they were not slab but full foundations. Member Halmi asked if other homes in the area had garages and she replied some did. Member Halmi further asked if other homes had 15 foot frontages and the number of bedrooms per house. She replied she had not measured the frontage and the**

houses would have three bedrooms. Member Russo asked her about parking and she informed him that she had never seen cars parked on the street because most homes have driveways. Member Halmi asked what the property looked like and Ms. Lamontagne replied there were trees on the lots and the proposed houses would be larger than those in the neighborhood. Member Russo asked if open space detracts property values and she replied they would not detract and residents would not even know there was open space there.

### **Witness**

George H Gifford, III, President of Gifford Design Group, Inc. - Landscape Architect and Wetlands Biologist. He specializes in finding ideal areas to locate houses and was consulted by applicant to locate a site for the proposed homes. Motion made by Member Rao to accept Mr. Gifford as an expert Landscape Architect. Motion seconded by Member Gobeille and carried with a 5-0 vote. There was discussion among Board members and Attorney Kelly about accepting Mr. Gifford as an expert with regards to his expertise as a Wetlands Biologist. Mr. Gifford informed the Board that a Landscape Architect can prepare plans for submission to DEM and that no licensing was required for a Wetlands Biologist. He has a BA Science in environmental planning. Chairman asked how many wetlands applications he has filed with DEM and witness replied couple hundred. Member Halmi stated she had a problem with accepting Mr. Gifford as an expert in the field of Wetlands Biology as he did not have a degree. Member Rao stated the Board has never been asked

to qualify someone in that field. Attorney Kelly informed the Board that you need to be registered with the State to file an application with DEM. Motion made by chairman to accept Mr. Gifford as a expert in the field of Landscape Architecture and Wetlands Biology. Motion carried with a 5-0 vote.

Submitted into the record: Exhibit #1 Topography map; Exhibit #2 Mr. Gifford's resume; Exhibit #3 Layout plan

Mr. Gifford is familiar with the site and subdivision plans. The houses will be located on Preserved Arnold Court on the east side of the property and fronts on Barney's Pond. Lot size is 8.35 acres with 7.38 acres being dedicated to the Town. Gateway Park is located across the street. Attorney Krieger asked of the 7.38 acres how much is above water on a year round basis and witness replied he did not know and was not asked for that information by the Planning Board. The subdivision plan shows the two houses will be outside the fifty foot wetlands perimeter. Submitted Subdivision Plans as Exhibit #4. After receiving Planning Board approval on a preliminary basis they asked him to obtain a DEM approval on the proposal. After reviewing the site, he advised the location of the proposed houses. When hired by applicant he delineated the freshwater edge and plotted it on the plan to get a clear understanding of the building envelope which is defined by the western edge of the jurisdiction area that the 50 foot area is associated with the wetland area and the building setback. The plan was then presented to DEM (Submitted into the record

**RIDEM Plan Submission dated April, 2006 as Exhibit #5). DEM commented on the proposed plan and felt it reflected a significant alteration of freshwater land because the proposed homes were too close to the 50 foot wetlands perimeter. DEM did not believe his narrative on how applicant could build a foundation which comes within three feet of the 50 foot perimeter zone. They explained the procedure on how they could form and pour the foundations and DEM felt it was unrealistic. DEM suggested applicant seek a variance to the front yard of ten feet. Hardship suffered by the applicant is due to the unique characteristics of the land. Topography is one of the characteristics of the land which causes a hardship to the applicant. If applicant is not able to get a wetlands permit and build the two homes it will be an inconvenience and they will need to seek a significant alteration permit. There will be no adverse impact on the environment if the homes are built and moving the homes closer to the road will avoid an environmental impact. Ten foot front yard setback is the least relief necessary. This is an older neighborhood which precedes current zoning. Most lots in the area are 8,000 to 10,000 sq.ft. and do not have 25 foot frontage.**

**Chairman asked why two homes. Witness replied DEM would rather see no homes built at the site. Along with the preservation of the open space this is a feasible application. Chairman asked if an application was made to DEM for one home and witness replied no. Member Halmi asked about the land being dedicated to the Town and witness replied approximately seven acres. Member Halmi asked**

what “unbuildable lots” meant. Witness replied that this area is entirely uplands or wetlands. The wetlands associated with Barney’s Pond does come close to Preserved Arnold Court so they could not put another house on the remaining frontage along Preserved Arnold Court. Behind the existing Lot 136 there is a possibility that it is uplands area and that a driveway could come off of Great Road but its just conjecture. Member Halmi asked that when DEM made a determination that pouring a foundation within three feet of the wetlands perimeter was not acceptable did he appeal the determination. Witness replied he did and the application was submitted to DEM on two occasions. The first step was to have the wetlands edge flagged and verified by DEM. Then applicant’s surveyor prepared a plan and submitted it to DEM for two lots and it was denied. Applicant then hired his office to prepare new submission that included a more detailed narrative on how the foundations could be built and it was denied. He then met with the application supervisor for both applications and explained that the second application outlined a very detailed procedure for construction. Both houses will have three bedrooms with two car garages, a driveway and walkout basement. Applicant did not have any plans or designs of the proposed houses.

Attorney Krieger asked Attorney Kelly that when Member Halmi asked whether this had been appealed and he replied yes. Attorney Kelly replied that it has not been formally appealed to the AAD and Mr. Gifford was referring to the appeal to Mr. Horbert to reconsider after



he filed an enhanced application as to how the foundations would be built without intruding into the buffer edge. Attorney Krieger asked that a letter dated 6/1/06 from DEM pursuant to his request for preliminary determination informed him that it represented a significant alteration and invited him to file an application to alter the wetlands and he replied a formal application. Attorney Krieger stated that this would have been his appeal and Attorney Kelly replied that it would have been the other way to approach this. Attorney Krieger replied that the result of that would have been that they granted his request for significant alteration and he would not need the variance. Attorney Kelly replied that the permit usually takes one year and if granted they would have the right to build the houses closer to the pond and further from the street which would have more of an impact on the pond. Attorney Krieger asked if there were any other areas of this lot where they would not have to seek front yard variance and witness replied no. Applicant has owned the land for 3-4 years.

Attorney Kelly introduced into the record Technical Review Minutes (Exhibit #6) and read into the record correspondence dated July 5, 2005 from Albert V. Ranaldi, Jr., Administrative Office to the Planning Board which stated the subdivision fit all of the Town's subdivision and land development regulations (Exhibit #7).

Chairman Arsenault read into the record Planning Board recommendations:

Members of the TRC visited the site and reviewed the submitted plans

and application. The Planning Board recommends approval of the application for a dimensional variance. The Planning Board feels that due to the unique characteristics of the property, and its proximity to wetlands, the application meets the standards of relief for a dimensional variance. The Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

### **Opposed**

**Timothy McMahon, 11 Preserved Arnold Court, Lincoln**

He spoke with the neighbors and elected officials for the district about this proposal. Submitted into the record Memorandum for Record dated November 14, 2006 (Exhibit #A). Mr. McMahon read into the record the first and second paragraphs of page 1. On October 3, 2006 R.B. Site Development, applicant's parent company, had their charter revoked by the Secretary of State for failure to file its annual report. Attorney Krieger informed Mr. McMahon that if the corporation he was referring to was the applicant he would have a valid point but R.B. Site Development has nothing to do with this application.

Property record card in the Finance Office shows this to be one undivided parcel of land and if true wonders how it can be divided into the properties that developer is asking for without creating a self made hardship which is not allowed. Land evidence records for the

sale of this property from its previous owner stipulates that the property is conveyed subject to two items: right of way and burial grounds. How has the developer addressed these issues? With regards to the wetlands, beginning in July of 2004, the RIDEM began the process of verifying wetlands and received applications to alter the wetlands adjacent to the proposed development. DEM has determined this to be a significant wetlands disturbance. The development represents a disturbance to these wetlands that exceeds what they believe to be advisable. As of November 14, 2006 the developer has not submitted a revised wetlands application.

Developer took possession of the property in 2004 and has only paid one quarter of property taxes for \$579.73 and is in arrears for five quarters plus interest.

This project would eliminate a walking path from the village of Saylesville that has been in use for 50 years. Despite what Ms. Lamontagne would have you believe, they see the traffic that comes up and down that path. People know about this path and enjoy it. Slope of the property is severe and unwalkable.

**Opposed:**

**Robert Burns, 10 Preserved Arnold Court, Lincoln**

**What applicant is donating to the Town cannot be used. The lot is not on Preserved Arnold**

**Court but Great Road. He uses the walking path and turtles from the**

wetlands come up to his property to lay their eggs and swans next in the area. Building these homes will affect the ecology of the area. Parking is a problem in the area. Suggests maybe the Town Council can make the street one way to alleviate a lot of problems.

**Opposed:**

**Victor LaPerche, 2 Preserved Arnold Court, Lincoln**

**Across from his house is a forty foot ravine. He would never build on this land**

**Opposed:**

**Jeremiah O'Grady, 24 Parker Street, Lincoln**

**He is the Town Council representative for this district and has met with residents in the area. He has reviewed the application and share their objections to this application. Attorney Kelly stated earlier that he did not feel DEM approval to go forward. The Planning Board directed applicant to go to DEM and the subdivision of this property was contingent upon DEM approval. DEM then said that what needed to be done was a variance needed to be sought and granted. One of the proposed lots is not a buildable lot but for the variance they are requesting this evening. Although Mr. Ranaldi's letter states it conforms to all of the land use provisions, subdivisions which create an unbuildable lot do not conform to the Town's land use ordinances. If there is a smaller footprint that could go on Lot #1 they only have a mere convenience as defined under the zoning ordinance. Either he is seeking to create a lot that is unbuildable but for a variance or this**

**variance is not needed because the hardship is mere inconvenience.**

**Attorney Krieger stated that under the ordinance you cannot create a unbuildable lot. In this case it was the Town Planner that suggested a dedication of land in lieu of an impact fee.**

**Russell Hervieux, Zoning Official addressed the Board stating that he opposed this from a zoning issue because they do not meet the five standards for a dimensional variance. They created a hardship by putting a second lot into a single lot and asking for a variance on the lots. If they were asking for a variance on the single lot the hardship is the wetlands. They do not meet the standard of mere inconvenience because they could build a single house at the site.**

**Opposed:**

**James Spooner, Lonsdale Avenue, Lincoln**

**He was a real estate broker for 36 years and is familiar with the area. Disappointed that with the way the land falls they want to give it to the town. There is no use for it.**

**Attorney Kelly asked Mr. Gifford if there was any area on either of two lots for children's recreational area. Mr. Gifford replied that there were areas for swing sets and active types of recreation. Attorney Kelly further stated that in response to Mr. McMahon's statement regarding R.B. Site Development, they have nothing to do with this application. The owner of the property is Prev. Court LLC failed to file**

their annual report but this happens on a regular basis with small corporations. It has been reinstated as of 11/17/06 (submitted RI Corporations reinstatement form as Exhibit #8). As Mr. Ranaldi indicated, these two lots meet all the land development and subdivision regulation. The Planning Board and Technical Review Committee recommended applicant go to DEM and file a formal application. This property will get developed for two houses. They came seeking a variance at the suggestion of DEM and feel the proposed houses will fit into the neighborhood. Applicant has met all the standards for a variance. The hardship must be due to the unique characteristics of the property. Mr. Gifford has testified about the sloping and configuration of the property and wetlands edge. Carol Lamontagne testified that granting a 10 foot variance would not alter the character of the area or cause any negative impact on the surrounding area. He respectfully suggests that the standards have been met and applicant has the right to build the two houses at the site.

**Motion made by Member Halmi to deny the application stating:**

- The hardship from which the applicant seeks relief is due to a self-made hardship. The applicant sought to subdivide the property which caused a hardship that they are here seeking a variance against. They are looking for a 10 foot front yard setback and had the property not been subdivided they would not be before this Board.
- The hardship is the result of a prior action of the applicant. Since they subdivided the property and they are trying to fit two houses

onto a lot that could fit one and does result from the desire of the applicant to realize greater financial gain.

- The granting of this variance may alter the general character of the surrounding area and impair the intent or purpose of the Lincoln Zoning Ordinance and the Lincoln Comprehensive Plan.
- The relief requested is not the least relief necessary.
- The hardship does not amount to more than a mere inconvenience, meaning there are other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion to deny seconded by Member Russo. Motion to deny carried with a 5-0 vote with Members Rampone, Russo, Halmi, Rao, and Arsenault voting aye to deny.

David Garneau, 1 DuCarl Drive, Lincoln, RI/Steven & Joann Enauder, 9 Blue Mist Drive, Manville, RI – Dimensional Variance seeking relief for the construction of an addition.

AP 39, Lot 69 Zoned: RS 20

Applicant asked that his application be continued to the December 12, 2006 agenda. Motion made by Member Halmi to continue the application. Motion seconded by Member Rao. Motion carried with a 5-0 vote.

Anthony Marchetti, 10 Morning Star Court, Lincoln, RI – Dimensional Relief seeking relief for the construction of an addition.

**AP 26, Lot 238 Zoned: R 40**

**Applicant asked that his application be continued to the December 12, 2006 agenda. Motion made by Member Russo to continue the application. Motion seconded by Member Rampone. Motion carried with a 5-0 vote.**

**Town of Lincoln, 100 Old River Road, Lincoln, RI – Dimensional Variance seeking pole height relief for school and athletic fields located at 152 Jenckes Hill Road, Lincoln, RI.**

**AP 26, Lots 38/39/41/43**

**AP 44, Lot 61 Zoned: RA 40**

**Applicant asked that its application be continued to the December 12, 2006 agenda. Motion made by Member Halmi to continue the application. Motion seconded by Member Rao. Motion carried with a 5-0 vote.**

## **Minutes**

**Chairman Arsenault asked if there any corrections to the November 1, 2006 Minutes. Motion made by Chairman to accept the Minutes as presented. Motion seconded by Member Russo. Motion carried with a 5-0 vote.**



**Motion made by Member Russo to adjourn the meeting. Motion seconded by Member Rampone. Motion carried with a 5-0 vote.**

**Respectfully submitted,**

**Ghislaine D. Therien**

**Recording Secretary**